

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Appeal for denial of 2007 funding by USAC)	CC Docket No. 02-6
Schools and Libraries Division to the)	
Milwaukee County Federated Library System)	
(BEN 145760), Milwaukee WI		

**—APPEAL—
REQUEST FOR REVIEW AND WAIVER OF DECISIONS
OF THE UNIVERSAL SERVICE ADMINISTRATOR**

Appellant:

Milwaukee County Federated Library System (BEN 145760)
Judy Kaniasty, Business Manager
709 N. 8th Street
Milwaukee, WI 53233-2414
414-286-5148, fax 414-286-3209
Judy.Kaniasty@mcfls.org

RE: Appeal for denial of 2006 funding for the following funding request:

**FRNs: 1495488
Form 470: 566690000580164
Form 471: 540058
Category of service: Telecommunications
Service provider: Wisconsin Bell, Inc., Spin# 143001856**

To Whom It May Concern:

The Milwaukee County Federated Library System is appealing the denial of 2006 funding for the above referenced funding request. The denial was in a funding commitment letter we received dated July 17, 2007.

Reason for Denial: Form 471 Filed Outside of Filing Window

2006 was the first year I filed for the E-rate. While I reviewed the process, I unfortunately filed our 471 "Out of Window" because I thought I had to wait for a 470 acceptance letter from the Schools and Libraries Division (SLD). I did receive a Receipt Notification Letter from the SLD but thought the SLD was also going to send me another letter officially accepting my 470. I only realized well after the close of the 471 filing window that there was no SLD "acceptance" letter. I then went forward and filed our 471 on June 13, 2006.

I believe our appeal request to waive 47 C.F.R. § 54.507(c) related to the Form 471 deadline set by the Administrator has merit based on the facts as described above and the FCC's decisions reached in the Bishop Perry appeal, released May 19, 2006. In the Bishop-Perry appeals the Commission specifically cited several reasons for why it granted numerous appeals for the same reasons that justify our appeal. For example, paragraph 7 refers to various schools that successfully appealed their late filing of Form 471. And paragraph 13 refers to applicant delays in the filing Form 471 because of staff who had made a mistake. This paragraph also states that some applicants found the form instructions, "vague and unclear and that the resulting misunderstandings led to forms being filed after the filing window." As stated above, I did read all the instructions but simply misunderstood the letters I would receive from the SLD related to the Form 470 and this then resulted in my late filing of the 471.

I hope you will see that the reason I filed our 471 late was the result of an honest misunderstanding and it is not in any manner related to waste, fraud or abuse. Thus I hope the Commission will grant this request to waive the Commission's rules in this area and direct USAC to proceed with review of our above funding request.

Thank you for your consideration of this matter. Please contact me if you have any questions.

Sincerely,

Judy Kaniasty, Business Manager
Milwaukee County Federated Library System